

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

V.

CBS STATIONS GROUP OF TEXAS,
TELEVISION STATION KTXA,

Defendant.

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Civil Action No. 3:17-cv-02624-M

CONSENT DECREE

THIS CONSENT DECREE is made and entered into by and between the Equal Employment Opportunity Commission (“EEOC”) and Defendants CBS Stations Group of Texas (“KTVT”) and Television Station KTXA (“KTXA”) (KTVT and KTXA collectively, “Defendants”), collectively “the Parties,” in the United States District Court for the Northern District of Texas, Dallas Division, with regard to the EEOC’s Complaint filed in Civil Action 3:17-cv-02624 (“Complaint”). The Complaint was based upon a Charge of Discrimination filed by Tammy Dombeck Campbell (“Campbell”) against Defendants.

The Complaint alleges that Defendants discriminated against Tammy Dombeck Campbell in violation of the Age Discrimination in Employment Act (“ADEA”) by failing or refusing to hire her because of her age. Defendants have denied and continue to deny that they have engaged in any unlawful or improper conduct, and have alleged legitimate, nondiscriminatory reasons for all employment actions with respect to Campbell.

This Consent Decree shall not be construed by the Parties as an admission by Defendants of any liability or responsibility for any injuries and/or damages allegedly suffered by Campbell.

Defendants specifically assert that by entering into this Consent Decree, they make no admission of liability or wrongdoing, and make no admission that their conduct was improper, discriminating, or illegal in any respect.

The Parties wish to settle this action, without the necessity of further litigation and expense, pursuant to the terms set forth in this Consent Decree.

NOW, THEREFORE, in consideration of the mutual promises and agreements set forth herein, the sufficiency of which is hereby acknowledged, the Parties agree as follows, and the Court finds appropriate and ORDERS that:

1. This Consent Decree resolves all issues raised in EEOC Charge No. 450-2015-03048 filed by Tammy Dombeck Campbell (“EEOC Charge”), and all issues in the Complaint filed by the EEOC in this civil action. The EEOC and Campbell waive further claims and litigation on all issues raised in the EEOC Charge and the Complaint. The EEOC does not waive processing or litigating any charges other than the EEOC charge that underlies this specific case and resolution.

2. During the term of this Consent Decree, KTVT shall not take any employment action that discriminates on the basis of age in violation of the ADEA or retaliate against any person because of opposition to any practice declared unlawful under the ADEA or the filing of a charge of discrimination, giving testimony, or assisting or participating in any manner in any investigation, proceeding, or hearing under the ADEA.

3. KTVT shall post the Notice attached as Exhibit A on the employee bulletin board at its facility within thirty (30) days after the entry of this Consent Decree. KTVT will report to the EEOC that it has complied with this requirement within 14 days after posting the policy. The Notice shall remain posted during the term of this Consent Decree.

4. For each year that the Consent Decree is in effect, KTVT agrees to conduct an annual training session for all employees and supervisory employees, including officers, managers, and assistant managers, advising them of the requirements and prohibitions of the federal anti-discrimination laws with a special emphasis on the ADEA. The training, which may be incorporated into training that KTVT already does, will inform the employees of the complaint procedures for individuals who believe that they are being discriminated against by KTVT. This annual training will also advise managers and supervisors of the consequences imposed upon KTVT for violating the ADEA, and must include but not be limited to the topic areas of recruitment, hiring, and promotion.

5. KTVT will electronically distribute its policy with regard to non-discrimination together with the Notice appended hereto as Exhibit A to all of their supervisors and managers at KTVT along with a statement from the president of CBS Television Stations indicating the importance of its implementation.

6. KTVT agrees to pay to Tammy Dombeck Campbell the full and final sum of \$215,000.00 dollars for backpay and all other damages. Standard deductions shall be made from the backpay amount of \$107,500.00, and a W-2 shall issue. A 1099 shall issue for the remainder of \$107,500.00 for all other damages. No deductions shall be made from this remainder amount. The payments referenced above shall be made within 21 days after the effective date of this Consent Decree by check made payable to Tammy Dombeck Campbell. KTVT agrees to report to the EEOC within 30 days of entry of this Consent Decree regarding its compliance with this paragraph.

7. All reports to the EEOC required by this Consent Decree shall be sent to Joel Clark, Senior Trial Attorney, EEOC, 207 South Houston Street, Third Floor, Dallas, Texas 75202.

8. During the term of this Consent Decree, this Court shall retain jurisdiction of this action and may enter such other and further relief as it deems appropriate to ensure implementation and enforcement of its provisions. In the event that any party to this Consent Decree believes that another party has failed to comply with a provision of this Consent Decree, the parties shall first attempt to resolve their differences by good faith negotiations. To that end, either party shall notify the other party in writing of the particulars of the dispute, the term or terms of the Consent Decree that are involved, and a suggested resolution of the problem. The recipient of the written communication must respond, in writing, to the proposed solution within 14 business days. If the dispute has not been resolved within thirty (30) days of the date that notice of the dispute was provided, the party that believes that the Consent Decree has been violated may move the Court to enforce the Consent Decree.

9. The parties to this Consent Decree agree to bear their own costs and attorney's fees associated with the above-referenced Complaint.

10. The term of this Decree shall be for eighteen (18) months.

SO ORDERED, ADJUDGED, AND DECREED.

July 12, 2020.


BARBARA M. G. LYNN
CHIEF JUDGE

/s/ Robert Canino
ROBERT A. CANINO
Regional Attorney
Oklahoma Bar No. 011782

/s/ Suzanne M. Anderson
SUZANNE M. ANDERSON
Supervisory Trial Attorney
Texas Bar No. 14009470

/s/ Joel Clark
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Senior Trial Attorney
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ATTORNEYS FOR DEFENDANTS
CBS STATIONS GROUP OF TEXAS and
TELEVISION STATION KTXA

EXHIBIT A

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KTVT NOTICE TO ALL EMPLOYEES

PROHIBITION AGAINST DISCRIMINATION: It is the purpose of this policy to reaffirm and amplify the position of the Age Discrimination in Employment Act (ADEA) and the Equal Employment Opportunity Commission's guidelines on discrimination and to reiterate CBS Stations Group of Texas's policy on discrimination in employment.

SCOPE: This policy extends to all employees of CBS Stations Group of Texas, both management and non-management.

POLICY: Under the Age Discrimination in Employment Act (ADEA), an employer cannot discriminate against qualified applicants and employees on the basis of age. This prohibition covers all aspects of the employment process, including application, hiring, assignments, disciplinary actions, promotion, compensation, leave, or termination.

RESPONSIBILITY: Each level of KTVT management is responsible for ensuring that all personnel policies, procedure, and activities are in full compliance with applicable federal, state, and local equal employment laws, statute, rules, and regulations regarding discrimination and retaliation.

REPORTING PROCEDURES: Any employee who believes that he or she has been subjected to discrimination is expected to report the conduct as soon as possible to either that person's immediate supervisor, any supervisor or manager with CBS Stations Group of Texas or to the Human Resources Department. The Human Resources Department may be contacted at _____ or by telephone at _____. Supervisors and managers who are informed of an alleged incident of discrimination must immediately notify the Human Resources Department.

A person either, alternatively or in addition to reporting such an allegation to company officials, may contact the U.S. Equal Employment Opportunity Commission for the purposes of filing a charge of employment discrimination. The address and telephone number of the U.S. EEOC office is 207 South Houston, Dallas, Texas 75202; 972-918-3649. Information about your rights and how to file a charge is available on the Internet at www.eeoc.gov.

INVESTIGATION OF COMPLAINTS: A thorough investigation of each complaint will be undertaken promptly by the Human Resources Department.

PUNISHMENT FOR VIOLATION: After appropriate investigation, any employee, whether management or non-management, who has been found to have discriminated against another employee will be subject to appropriate disciplinary action, up to and including termination of employment.

RETALIATION: There shall be no retaliation against any employee because that person has opposed what they believe to be unlawful employment practices, or has filed a charge of discrimination, or has given testimony, assistance, or has participated in any manner in any investigation, proceeding, or hearing.

PROTECTION OF PRIVACY: The question of whether a particular action or incident constitutes discrimination requires a determination based on all available facts. CBS Stations Group of Texas will therefore take appropriate steps to protect the privacy of all personnel. Confidential information will be shared on a need-to-know basis to complete the investigation and to deal appropriately with the situation.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE REMOVED OR DEFACED BY ANYONE.

Signed this _____ day of _____, 2020.

Date

On Behalf of
CBS Stations Group of Texas